

**Federal Defenders  
OF NEW YORK, INC.**

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November 12, 2021

**BY ECF**

Honorable Cathy Seibel  
United States District Judge  
Southern District of New York  
300 Quarropas St.  
White Plains, NY 10601

Application granted. Counsel for Petitioner shall update the Court again by 2/11/22, or sooner if developments warrant.

SO ORDERED.

  
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CATHY SEIBEL, U.S.D.J.

**Re: *United States v. Jose Rivera, 12 Cr. 169 (CS)*  
*Jose Rivera v. United States, 16 Cv. 4983 (CS)***

11/12/21

Dear Judge Seibel,

I write to provide an update regarding Mr. Rivera's pending motion under 28 U.S.C. § 2255 based on *Johnson v. United States*, 135 S. Ct. 2551 (2015). On August 23, 2021, this Court granted our request to continue the stay until the Supreme Court's disposition of *United States v. Taylor*, No. 20-1459, 2021 WL 2742792, at \*1 (U.S. July 2, 2021). *See* Dkt. No. 32.<sup>1</sup> We anticipate that *Taylor* will resolve the split among the Circuits regarding whether attempted Hobbs Act robbery is a crime of violence for the purpose of 18 U.S.C. § 924(c). *See id.*

This Court directed defense counsel to provide a status update today. *See id.* As of this writing, *Taylor* has not been decided by the Supreme Court. Therefore, we ask that the instant stay be continued and that we be permitted to update the Court in 90 days.

Thank you for your consideration.

Respectfully submitted,  
/s/  
Sylvie Levine  
Assistant Federal Defender  
212-417-8729

<sup>1</sup> The docket citations correspond to the criminal case number, 12 Cr. 169 (CS).